

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Hearing Date: July 16, 2013
Hearing Time: 10:00 am

In Re:

JACOB REICHMAN

Debtor.

NOTICE OF
MOTION FOR TERMINATION
OF AUTOMATIC STAY

Case No.: 13-43565-ess
Chapter 7

Assigned to:
HON. ELIZABETH S. STONG
Bankruptcy Judge

PLEASE TAKE NOTICE that U.S. Bank National Association, as trustee, of the CSFB ABS Trustee Series Heat 2002-1, by its undersigned attorneys, Eckert Seamans Cherin & Mellott, LLC, will move this Court on **July 16, 2013, at 10:00 a.m.** or as soon thereafter as the Court determines, at the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, NY 11201, Courtroom 3585, for an Order pursuant to 11 U.S.C. §362(d)(1) and/or 11 U.S.C. §362(d)(2) terminating the automatic stay as to interest in real property commonly known as 762 Empire Boulevard, Unit 1D, Brooklyn, NY 11213, excluding said Property from future bankruptcy stays, and for such other relief as the Court may deem proper.

PLEASE TAKE FURTHER NOTICE that answering and opposing papers, if any, must be served upon the Court and the undersigned no later than seven (7) days before the return date of this Motion.

DATED: June 12, 2013
White Plains, NY

By: Andrea M. Roberts
Richard J. Pelliccio (RJP-6537)
Andrea M. Roberts (AMR-7383)
ECKERT SEAMANS CHERIN & MELLOTT, LLC
10 Bank Street, Suite 700
White Plains, NY 10606

TO:

JACOB REICHMAN
762 Empire Boulevard
Unit 1D
Brooklyn, NY 11213

Pro Se Debtor

BEN ERPST
Empire Condo Owners Associates
1705 51st Street
Brooklyn, NY 11201

Pro Se Petitioner

OFFICE OF U.S. TRUSTEE
271 Cadman Plaza East
Suite 4529
Brooklyn, NY 11201

U.S. Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

JACOB REICHMAN

Debtor.

**AFFIRMATION IN SUPPORT OF
MOTION FOR TERMINATION OF
AUTOMATIC STAY**

Case No.: 13-43565-ess
Chapter 7

Assigned to:
HON. ELIZABETH S. STONG
Bankruptcy Judge

Andrea M. Roberts, the undersigned, an attorney duly licensed to practice law in the State of New York and admitted to practice before the United States District Court for the Eastern District of New York, affirms the following under the penalty of perjury:

I. BACKGROUND

A. The Property and Ownership Thereof

1. I submit the within Affirmation in support of the Motion of U.S. Bank National Association, as trustee, of the CSFB ABS Trustee Series Heat 2002-1 (hereinafter, the "Owner"), by its attorneys Eckert Seamans Cherin & Mellott, LLC, to, among other things and out of an abundance of caution, terminate the automatic stay in this case with respect to real property commonly known as 762 Empire Boulevard, Unit 1D, Brooklyn, NY 11213 (the "Property") and respectfully state as follows, based on information publicly available or provided by the Owner.

2. Owner derives its status as fee simple owner of the Property from a foreclosure sale of the Property to the Owner on March 2, 2013. A true and correct copy of the Referee's deed conveying the Property to the Owner is annexed hereto as **Exhibit "A"**.

3. On December 18, 2012, a Judgment of Possession (the “Judgment of Possession”) was entered with respect to the Property, and in favor of Owner, at case number 83874/2012 in the Civil Court of the City of New York, County of Kings. A true and correct copy of the Judgment of Possession is attached hereto as **Exhibit “B”**.

B. The First Involuntary Case Filed by Ben Erpst – Case No. 13-41214 – and Relief from Stay Granted.

4. On March 4, 2013, a purported creditor, Ben Erpst, as partner and member of Empire Condo Owners Associates (the “Purported Creditor”), filed a *pro se* involuntary bankruptcy petition (the “First Involuntary Petition”) against Jacob Reichman (the “Purported Debtor”) under Chapter 7 of the United States Bankruptcy Code at Case No. 13-41214-ess (the “First Involuntary Case”).

5. Owner was unaware of the First Involuntary Case until April 3, 2013.

6. Specifically, on April 3, 2013, Owner’s attempt to enforce its Judgment of Possession via eviction by Marshall was stayed when someone (presumably the Purported Creditor) informed the Marshall of the First Involuntary Case.

7. Thereafter, on or about April 23, 2013, Owner filed a Motion for Termination of Automatic Stay (the “First Motion for Relief”) and served the same upon the Purported Debtor and the Purported Creditor. [Docket No. 8].

8. Neither the Purported Creditor nor the Purported Debtor timely responded to the First Motion for Relief or appeared at the scheduled May 14, 2013 hearing.

9. On May 14, 2013, this Court entered an Order Granting the First Motion for Relief [Docket No. 9].

10. Also on May 14, 2013, this Court entered an Order dismissing the First Involuntary Case for failure of the Purported Creditor to Prosecute. [Docket No. 10].

C. The Second Involuntary Case Filed by Ben Erpst – 13-43565

11. Subsequent to the expiration of the appeals periods for the above-referenced Orders, Owner rescheduled the enforcement of its Judgment of Possession in the form of an eviction conducted by Marshall for June 11, 2013.

12. However, the morning of June 11, 2013, Purported Creditor, Ben Erpst, after failing to prosecute the First Involuntary Case and failing to respond to the First Motion for Relief, surfaced and initiated a second Involuntary Bankruptcy Case at Case No. 13-43565 (the “Second Involuntary Case”) by filing a second Involuntary Bankruptcy Petition (the “Second Involuntary Petition”).

13. The Second Involuntary Petition is substantially similar to the First Involuntary Petition, such that it does not appear that any material facts or circumstances have changed since the First Involuntary Case was dismissed.

14. Immediately after commencing the Second Involuntary Case, the Purported Creditor effectively stayed Owner’s attempt to enforce its Judgment of Possession by forwarding information concerning the Second Involuntary Case to the Marshall’s office.

15. The timing of the Second Involuntary Case, especially in light of the circumstances of the First Involuntary Case, suggests that the Second Involuntary Case was filed for the purpose of staying Owner’s attempt to enforce its Judgment of Possession via an eviction with respect to the Property.

II. RELIEF REQUESTED AND CAUSE THEREFORE

16. While the Property is the last known address of the Purported Debtor, Owner does not know if the Purported Debtor still resides at the Property.

17. However, upon information and belief, Purported Creditor may have access to the Property, and Owner is extremely suspicious that both the First Involuntary Petition and the Second Involuntary Petition are some type of ruse to prevent Owner from securing and enjoying the use of its Property or to otherwise prevent Owner from enforcing the Judgment of Possession.¹

18. As Purported Debtor no longer owns the Property, he is (at most) a mere occupant in possession, without any legal right to be either an occupant or in possession.

19. The Owner respectfully requests that relief from stay be granted, as the Owner is the sole Owner of the Property and must be allowed to enjoy the rights incident to ownership and be able to evict the Purported Debtor or others from the Property.

20. 11 U.S.C. § 362(d)(1) provides, in pertinent part, that the Court shall grant relief from the stay imposed by Section 362(a) “for cause, including lack of adequate protection of an interest in property...”. 11 U.S.C. § 362(d)(1).

21. It is respectfully submitted that the Purported Debtor has no ownership interest in the Property that would be part of the estate within the meaning of 11 U.S.C. §541. Therefore, the Owner is entitled to relief from the automatic stay for “cause” within the meaning of 11 U.S.C. §362(d)(1), as its rights should not be impaired by a bankruptcy concerning an individual who has no legally enforceable interest in the Property.

22. Moreover, 11 U.S.C. § 362(d)(2) provides, in pertinent part, that the Court shall grant relief from the stay imposed by Section 362(a) “with respect to a stay of an act against property ... if (A) the debtor does not have an equity in such property; and (B) such property is not necessary to an effective reorganization”. 11 U.S.C. § 362(d)(2).

¹ Owner intends to seek a Rule 2004 examination of the Purported Creditor and to seek proximate and punitive damages from the Purported Creditor to the extent the First Involuntary Petition and/or Second Involuntary Petition were filed in bad faith.

23. It is respectfully submitted that the requirements of 11 U.S.C. § 362(d)(2)(A) are fulfilled, as the Purported Debtor has no legally enforceable interest, let alone equity, in the Property. The requirements of 11 U.S.C. § 362(d)(2)(B) are fulfilled as (i) the instant bankruptcy case is not a reorganization case and (ii) the Debtor has no legally enforceable interest in the Property.

24. As the instant Motion is not based on a mortgage default, but is based upon Owner's fee simple ownership interest in the Property and the Judgment of Possession entered against the Purported Debtor, Owner respectfully requests that the requirement for a worksheet be waived as such worksheet will not provide any information.

25. Further, in light of the First Involuntary Case, Owner respectfully requests a determination that the Property is not property of the estate under 11 U.S.C. § 541 and that, in the event a subsequent bankruptcy case is filed by or against the Purported Debtor before Owner is able to enforce its Judgment of Possession by eviction, that the automatic stay of any such subsequent bankruptcy case will not operate as a stay with respect to Owner's enforcement of its rights under applicable law with respect to the Property.

26. A copy of a proposed Order granting the relief sought by Owner is annexed hereto as **Exhibit "C"**.

WHEREFORE, U.S. Bank National Association, as trustee, of the CSFB ABS Trustee Series Heat 2002-1 respectfully requests this Court to enter an Order: (A) terminating the automatic stay as to Owner's interest in the Property more commonly referred to as 762 Empire Boulevard, Unit 1D, Brooklyn, NY 11213; (B) excluding said Property from the automatic stay of any subsequent bankruptcy case filed by or against the Purported Debtor herein; and (C) such

additional relief as the Court may deem just in this matter.

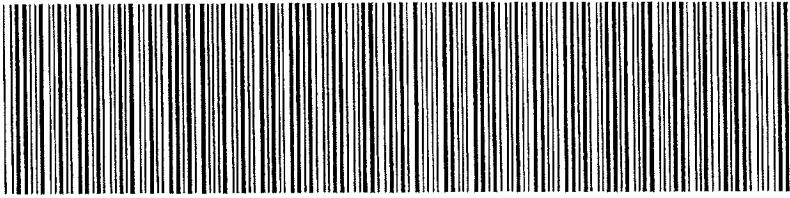
Dated: June 12, 2013
White Plains, NY

By: Andrea M. Roberts
Richard J. Pelliccio (RJP-6537)
Andrea M. Roberts (AMR-7383)
ECKERT SEAMANS CHERIN & MELLOTT, LLC
10 Bank Street, Suite 700
White Plains, NY 10606

Exhibit A

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.


2012052401185001001E3C8C
RECORDING AND ENDORSEMENT COVER PAGE
PAGE 1 OF 9
Document ID: 2012052401185001
Document Date: 03-02-2012
Preparation Date: 05-29-2012
Document Type: DEED
Document Page Count: 8
PRESENTER:

TITLE NO: MAC-1573-KINGS
METROPOLIS ABSTRACT AS AGENT FOR OLD
REPUBLIC
570 TAXTER ROAD
ELMSFORD, NY 10523
914-592-0003

RETURN TO:

SELECT PORTFOLIO SERVICING, INC
3815 SOUTH WEST TEMPLE
SALT LAKE CITY, UT 84115

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	1427	1020	Entire Lot 1E	762 EMPIRE BOULEVARD

Property Type: SINGLE RESIDENTIAL CONDO UNIT

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES
GRANTOR/SELLER:

DAVID CHIDEKEL, ESQ, REFEREE
575 MADISON AVENUE, SUITE 1006
NEW YORK, NY 10022

GRANTEE/BUYER:

U.S. BANK NATIONAL ASSOCIATION
338 SOUTH WARMINSTER ROAD
HATBORO, PA 19040

FEES AND TAXES

Mortgage			Filing Fee:	
Mortgage Amount:	\$	0.00		\$ 0.00
Taxable Mortgage Amount:	\$	0.00	NYC Real Property Transfer Tax:	
Exemption:			Ref.No. 2006000258460 PREPAID \$	2,487.10
TAXES: County (Basic):	\$	0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$	0.00	Ref.No. 2006000258460 PREPAID \$	996.00
Spec (Additional):	\$	0.00		
TASF:	\$	0.00		
MTA:	\$	0.00		
NYCTA:	\$	0.00		
Additional MRT:	\$	0.00		
TOTAL:	\$	0.00		
Recording Fee:	\$	77.00		
Affidavit Fee:	\$	0.00		


**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 06-12-2012 16:22

City Register File No.(CRFN):

2012000229404
City Register Official Signature

MACCJG #1573-K

THIS DEED dated the 2 day of March, 2012.

BETWEEN David Chidekel, Esq., 575 Madison Avenue, Suite 1006, New York, New York 10022, Referee duly appointed in the action hereinafter mentioned, Grantor, and

U.S. Bank National Association as trustee of CSFB ABS Trust Series HEAT 2002-1, 338 South Warminster Road, Hatboro, PA 19040, Grantee,

WITNESSETH that the Grantor, the referee appointed in an action between U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSFB ABS TRUST SERIES HEAT 2002-1, Plaintiff, and JACOB REICHMAN and DALIA REICHMAN, Defendants, under Index No. 11889/2005, Supreme Court of the State of New York, Kings County, 360 Adams Street, Foreclosure Part, Room 274, Brooklyn, NY 11201, foreclosing a mortgage recorded on January 15, 2002, in the Office of the Clerk of the County of Kings, in Liber 5435 of Mortgages, at Page 2296, in pursuance of a judgment entered at an IAS, Part 49 of the Supreme Court, on September 9, 2005, and in consideration of Two Hundred Fifty-one Thousand Five Hundred Five and 24/100 (\$251,505.24) Dollars paid by the Grantee, being the highest sum bid at the sale under said judgment, does hereby grant and convey unto the Grantee

Said premises known as and by the street address: 762 Empire Boulevard 1E, Brooklyn, New York 11213.

SEE EXHIBIT "A" ANNEXED HERETO AND MADE A PART HEREOF.

Said premises being and intended to be the same premises conveyed by Deed dated January 4, 1996, from SHELIBONEH CONSTRUCTION, INC. to JACOB REICHMAN, recorded February 2, 1996, in Liber 3647 at page 919.

TO HAVE AND TO HOLD the premises granted unto the Grantee U.S. Bank National Association as trustee of CSFB ABS Trust Series HEAT 2002-1, and its assigns forever. Whenever the text requires, the singular number herein shall include the plural and all genders.

This deed replaces a referee's deed which I executed before a notary public on February 16, 2006, a true and correct copy of which is attached hereto as Exhibit B. The original deed cannot be located after a diligent search and was not recorded.

IN WITNESS WHEREOF, the grantor has set his hand and seal, the date first above written.

David Chidekel

David Chidekel, Esq.

Referee

STATE OF NEW YORK }

} SS.:

COUNTY OF NEW YORK }

On the 2 day of March in the year 2012, before me, the undersigned, a notary public in and for said state, personally appeared David Chidekel, Esq., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity that by his/her their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s), acted executed the instrument.

Armida Alarcon
NOTARY PUBLIC

ARMIDA ALARCON
COMMISSIONER OF DEEDS
EXP DEC 1, 2012
NEW YORK COUNTY
NO. 2-12665

SEAL

Record & Return to:
Select Portfolio Servicing, Inc.
3815 South West Temple
Salt Lake City, UT 84115

(V0053405.1)

EXHIBIT "A"

BLOCK: 1427 AND LOT: 1020

~~THE Unit (the "Unit") known as Unit No. 1B in the Empire Gardens Condominium located at~~
762 Empire Boulevard, Borough of Brooklyn, County of Kings, City and State of New York,
~~said Unit being designated and described as Unit No. 1 E in the Declaration establishing a plan~~
for condominium ownership of said premises under Article 9-B of the Real Property Law of the
State of New York (the "New York Condominium Act"), said Declaration dated January 5, 1995
and recorded in the Kings County Office of the Register of the City of New York (the "City
Register's Office") on August 21, 1995 in Reel 3567 page 126 and also designated as Tax Lot
1020 in Block 1427 of Section 5 of the Borough of Brooklyn on Tax Map of the Real Property
Assessment Department of the City of New York and on the Floor Plans of said Building,
certified by Robert Henry, R.A. on June 2, 1992, and filed in the City Register's Office on 1995
as Condominium Plan No ~~53~~ 53. The premises upon which the Condominium and the Unit therein
are located (the "Property") are more particularly described in Schedule A hereto and made a
part hereof. All capitalized terms herein which are not separately defined herein shall have the
meanings given to those terms in the Declaration or in the By-Laws of the Condominium. (Said
Declaration and By-Laws, as the same may be amended from time to time, are hereinafter
referred to as the "Declaration and the "By-Laws", respectively).

TOGETHER with an undivided 1.70% interest in the Common Elements.

00356700145

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Troy Avenue, distant fifteen feet, one and three quarter inches northerly from the corner formed by the intersection of the easterly side of Troy Avenue and the northerly side of Lefferts Avenue (formerly known as Broadway);

RUNNING THENCE northerly along the easterly side of Troy Avenue, eighty five feet;

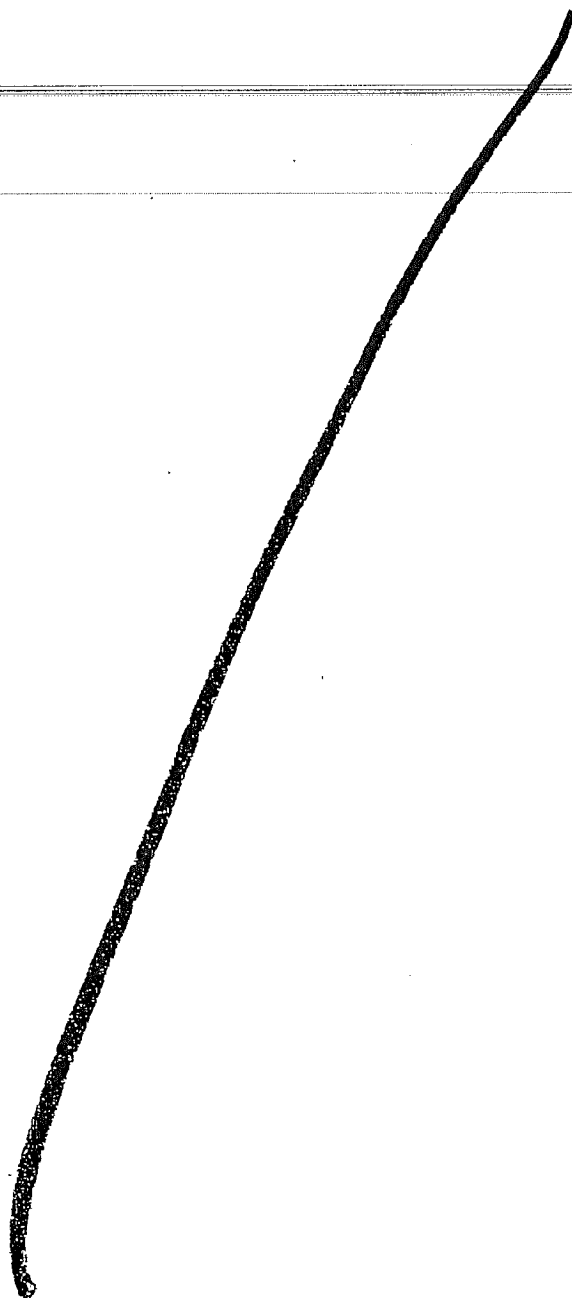
THENCE easterly at right angles to Troy Avenue, one hundred feet;

THENCE southerly parallel with Troy Avenue, eighty four feet nine and one eight inches;

THENCE southwesterly parallel with Lefferts Avenue (formerly known as Broadway), on foot seven and one eight inches;

THENCE westerly at right angles to Troy Avenue, ninety eight feet five and one eight inches to the easterly side of Troy Avenue at the point or place of BEGINNING.

EXHIBIT B



ORIGINAL

THIS DEED is day of December, 2005

BETWEEN David Chidekel, Esq., 575 Madison Avenue, Suite 1006, New York, New York 10022, Referee duly appointed in the action hereinafter mentioned, Grantor, and

U.S. Bank National Association as trustee of CSFB ABS Trust Series HEAT 2002-1, 338 South Westminster Road, Hatboro, PA 19040, Grantee,

WITNESSETH that the grantor, the referee appointed in an action between U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSFB ABS TRUST SERIES HEAT 2002-1, Plaintiff and JACOB REICHMAN; DALIA REICHMAN, Defendants under Index No. 11889/2005, Kings County Supreme Court, 360 Adams Street, Foreclosure Part, Room 274, Brooklyn, NY 11201, foreclosing a mortgage recorded on January 15, 2002, in the Office of the Clerk of the County of Kings, in Liber 8435 of Mortgages, at Page 2296, in pursuance of a judgment entered at an IAS, Part 49 of the Supreme Court, on September 9, 2005, and in consideration of Two Hundred Fifty-one Thousand Five Hundred Five and 24/100 (\$251,505.24) Dollars paid by the grantee, being the highest sum bid at the sale under said judgment, does hereby grant and convey unto the grantee

Said premises known as and by the street address: 762 Empire Boulevard 1E, Brooklyn, New York 11213.

SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF.

Said premises being and intended to be the same premises conveyed by Deed dated January 4, 1996, from SHELBOURNE CONSTRUCTION, INC. to JACOB REICHMAN, recorded February 2, 1996, in Liber 3647 at page 919.

TO HAVE AND TO HOLD the premises granted unto the grantee U.S. Bank National Association as trustee of CSFB ABS Trust Series HEAT 2002-1, and its assigns forever. Whenever the text requires, the singular number herein shall include the plural and all genders.

IN WITNESS WHEREOF, the grantor has set his hand and seal, the date first above written.

David Chidekel
David Chidekel, Esq.
Referee

STATE OF NEW YORK

COUNTY OF KA

On the 16 day of February in the year 2006, before me, the undersigned, a notary public in and for said state, personally appeared David Chidekel, Esq., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity that by his/her their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s), acted executed the instrument.

Maria A. Rivera
NOTARY PUBLIC
Notary Public for the State of New York
Commission Expires December 31, 2009

SCHEDULE "A"

BLOCKS 1421 AND 1422

THE Unit (the "Unit") known as Unit No. 1E in the Empire Gardens Condominium located at 763 Empire Boulevard, Borough of Brooklyn, County of Kings, City and State of New York, said Unit being designated and described as Unit No. 1 E in the Declaration establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act"), said Declaration dated January 5, 1975 and recorded in the Kings County Office of the Register of the City of New York (the "City Register's Office") on August 22, 1975 in Book 1867 page 126 and also designated as Tax Lot 1420 in Block 1421 of Section 3 of the Borough of Brooklyn on the Tax Maps of the Real Property Assessment Department of the City of New York and on the Floor Plans of said Building, certified by Robert Henry, R.A., on June 2, 1982, and filed in the City Register's Office on 1976 as Condominium Plan No. . The premises upon which the Condominium and the Unit therein are located (the "Property") are more particularly described in Schedule A hereto and made a part hereof. All capitalized terms herein which are not separately defined herein shall have the meanings given to those terms in the Declaration or in the By-Laws of the Condominium. (Said Declaration and By-Laws, as the same may be amended from time to time, are hereinafter referred to as the "Declaration and the By-Laws", respectively).

TOGETHER with an undivided 1.76% interest in the Common Elements.

Index No. 11889/2005

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
DAVID CHIDWELL, Esq., Referee,
Grantor,

TO

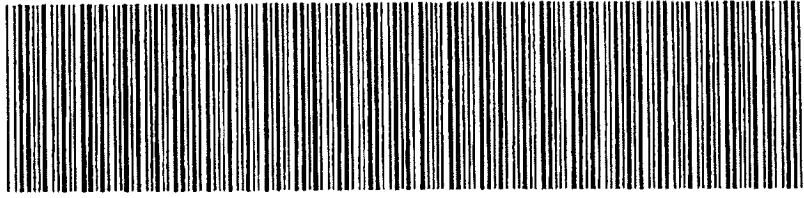
U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF
CSFB ABS TRUST SERIES HEAT 2002-1,
Grantee.
-----X

REFEREE'S DEED IN FORECLOSURE

SECTION:
BLOCK: 1427
LOT: 1020

RECORD AND RETURN TO:
U.S. Bank National Association as trustee of CSFB ABS Trust
Series HEAT 2002-1
338 South Warminster Road
Hatboro, PA 19040

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2012052401185001001SF20D

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2012052401185001

Document Date: 03-02-2012

Preparation Date: 05-29-2012


Document Type: DEED

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

RP - 5217 REAL PROPERTY TRANSFER REPORT

2

FOR CITY USE ONLY				REAL PROPERTY TRANSFER REPORT STATE OF NEW YORK STATE BOARD OF REAL PROPERTY SERVICES RP - 5217NYC <small>(Rev 11/2002)</small>	
C1. County Code	C2. Date Deed Recorded	C3. Book OR C5. CRFN	C4. Page		
PROPERTY INFORMATION					
1. Property Location	762	Empire Boulevard, Unit 1E	Brooklyn	11213	
2. Buyer Name					
U.S. Bank National Association, As Trustee					
3. Tax Biling Address					
Indicate where future Tax Bills are to be sent. If other than buyer address (at bottom of form)					
Select Portfolio Servicing, Inc.					
3815 SouthWest Temple Salt Lake City UT 84115					
4. Indicate the number of Assessment Roll parcels transferred on the deed					
# of Parcels OR Part of a Parcel					
5. Deed Property Size					
FRONT FEET X DEPTH OR ACRES					
8. Seller Name					
David Chidekel, Esq., as Referee					
9. Check the box below which most accurately describes the use of the property at the time of sale:					
A <input type="checkbox"/> One Family Residential C <input type="checkbox"/> Residential Vacant Land E <input type="checkbox"/> Commercial G <input type="checkbox"/> Entertainment / Amusement I <input type="checkbox"/> Industrial B <input type="checkbox"/> 2 or 3 Family Residential D <input type="checkbox"/> Non-Residential Vacant Land F <input checked="" type="checkbox"/> Apartment H <input type="checkbox"/> Community Service J <input type="checkbox"/> Public Service					
SALE INFORMATION					
10. Sale Contract Date					
Month Day Year					
11. Date of Sale / Transfer					
03 / 02 / 12					
12. Full Sale Price					
\$251,505.24					
(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.					
13. Indicate the value of personal property included in the sale					
\$0.00					
14. Check one or more of these conditions as applicable to transfer:					
A <input type="checkbox"/> Sale Between Relatives or Former Relatives B <input type="checkbox"/> Sale Between Related Companies or Partners in Business C <input type="checkbox"/> One of the Buyers is also a Seller D <input type="checkbox"/> Buyer or Seller is Government Agency or Lending Institution E <input checked="" type="checkbox"/> Deed Type not Warranty or Bargain and Sale (Specify Below) F <input type="checkbox"/> Sale of Fractional or Less than Fee Interest (Specify Below) G <input type="checkbox"/> Significant Change in Property Between Taxable Status and Sale Dates H <input type="checkbox"/> Sale of Business is Included in Sale Price I <input type="checkbox"/> Other Unusual Factors Affecting Sale Price (Specify Below) J <input type="checkbox"/> None					
Referee's Deed/Foreclosure					
ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill					
15. Building Class					
16. Total Assessed Value (of all parcels in transfer)					
17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional Identifier(s))					
Brooklyn (Section 3) Block 1427 Tax Lot 1020					
CERTIFICATION					
I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.					
BUYER					
c/o Select Portfolio Servicing, Inc.					
3815 South West Temple					
Salt Lake City UT 84115					
BUYER'S ATTORNEY					
Davis Dorothy					
415 566-5953					
3/2/12					

ADDENDUM TO RP-5217

Transferor: David Chidekel, as referee

Transferee: US Bank National Association, as Trustee

Property: 762 Empire Boulevard
Brooklyn, NY 11213, Unit 1E

Jacob Reichman is a defaulted mortgagor who has been foreclosed of all right, title and interest in the above-referenced property. As such, the undersigned is unable to verify his social security or tax identification number or obtain his signature.

Dated: White Plains, NY
July 27, 2011


Richard J. Pelliccio, Esq.

Exhibit B

**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS PART
DECISION AND JUDGMENT**

INDEX # 083874/2012
JUDGMENT SEQ # 001

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSFB ABS TRUST,
Petitioner(s)

AGAINST
REICHMAN, JACOB
REICHMAN, DALIA
DOE, JOHN
DOE, JANE

Respondent(s)

Decision and judgment is rendered based upon
a decision made after an inquest was held as follows:

Judgment of possession is granted in favor of:

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSFB ABS TRUST,
and against

REICHMAN, JACOB
REICHMAN, DALIA
DOE, JOHN
DOE, JANE

A counterclaim is granted in favor of the respondent in the amount of \$0.00
(which if not being entered separately is offset and reflected in the
total amount due, listed below.)

A money judgment is hereby granted, along with cost and disbursements
in the amount of \$0.00 in favor of:

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE OF CSFB ABS TRUST,
and against

REICHMAN, JACOB
REICHMAN, DALIA
DOE, JOHN
DOE, JANE

for a total amount of \$0.00

(Monthly use and occupancy is set at \$0.00 per month, as per order,
stipulation or decision in record.)

Warrant to issue forthwith

Date

12/18/12

Execution

[Signature]

GARY F. MARTON

Judge, Civil/Housing Court

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS PART 1
DECISION AND JUDGMENT

INDEX # 083874/2012
JUDGMENT SEQ # 001

Section 5020(c) of the Civil Practice Law and Rules requires that a satisfaction be filed with the clerk when the judgment is satisfied. Failure to do so subjects the judgment creditor to penalties.

ENTRY OF JUDGMENT

Judgment entered in accordance with the above on 8/18/12 *Carol Alt*
CHIEF CLERK
Chief Clerk, Civil Court

Warrant issued to Marshal _____ On _____

CIV-LT-50(2006)

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Exhibit C

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

JACOB REICHMAN

Debtor.

Case No.: 13-41214-ess
Chapter 7

Assigned to:
HON. ELIZABETH S. STONG
Bankruptcy Judge

ORDER GRANTING MOTION FOR TERMINATION OF AUTOMATIC STAY

NOW THIS ____ day of _____, 2013, the Motion (the “Motion”) of U.S. Bank National Association, as trustee, of the CSFB ABS Trustee Series Heat 2002-1 (the “Owner”), dated June 12, 2013, came before the Court for termination of the automatic stay with respect to real property more commonly referred to as 762 Empire Boulevard, Unit 1D, Brooklyn, NY 11213 (the “Property”). This Court, having considered the matter presented and any responses thereto, and with good cause appearing therefore, it is hereby

ORDERED, that the automatic stay in effect pursuant to 11 U.S.C. Section 362(a), is hereby terminated pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) to allow the Owner to pursue its rights under applicable law with respect to the above-described Property; and it is further

ORDERED, that Owner’s enforcement of its rights pursuant to the prior paragraph shall not be the subject of the automatic stay in any subsequent bankruptcy case filed by or against Mr. Jacob Reichman.

Dated: Brooklyn, New York
_____, 2013

Hon. ELIZABETH S. STONG
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I hereby certify that I caused true and correct copies of the foregoing **NOTICE OF MOTION FOR TERMINATION OF AUTOMATIC STAY** and **AFFIRMATION IN SUPPORT OF MOTION FOR TERMINATION OF AUTOMATIC STAY** upon the persons listed below via First Class U.S. Mail, postage prepaid, this 12th day of June, 2013:

JACOB REICHMAN
762 Empire Boulevard, Unit 1D
Brooklyn, NY 11213

Pro Se Debtor

BEN ERPST
Empire Condo Owners Associates
1705 51st Street
Brooklyn, NY 11201

Pro Se Petitioner

OFFICE OF U.S. TRUSTEE
271 Cadman Plaza East
Suite 4529
Brooklyn, NY 11201

U.S. Trustee

/s/ Andrea M. Roberts